

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

**PLAINTIFFS' UNOPPOSED MOTION FOR CLARIFICATION OF COURT'S CLASS
CERTIFICATION MEMORANDUM OPINION AND ORDER**

1. On March 30, 2004, Plaintiffs' filed a motion for class certification pursuant to Rules 23 of the Federal Rules of Civil Procedure. In its motion for class certification, Plaintiffs' counsel, among other things, requested an order appointing them as class counsel pursuant to Rule 23(g) of the Federal Rules of Civil Procedure. (Pls.' Mem. in Supp. of its Mot. for Class Certification at 26.)

2. In Defendants' response to the motion for class certification, they did not dispute that Plaintiffs' counsel is competent to prosecute the case. (Defs' Mem. In Supp. of Resp. to Mot. for Class Certification at 13; *see also* Mem. Op. and Order at 8.)

3. This Court's March 14, 2005 Memorandum Opinion and Order granting Plaintiffs' motion for class certification of an "In-Custody Class" does not include an appointment of class counsel as requested by Plaintiffs' counsel and required by the new Rule 23(g) Federal Rules of Civil Procedure. Plaintiffs' counsel respectfully request such an order appointing them as class counsel. Defendants, who have not contested counsel's adequacy, do not oppose such an order.

RESPECTFULLY SUBMITTED, this the 21st day of March, 2005.

/s Melody McAnally

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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2005, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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